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3/12/2010

WQC number: 913-9003-WQC-1

Public Notice

Closing Date:
4/10/2010

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** River View Coal, LLC
Mailing Address: 771 Corporate Drive, Suite 1000
Lexington, Kentucky 40503
Contact Person: Rusty Ashcraft
Telephone No: (859) 224-7225
E Mail Address: Rusty.Ashcraft@arlp.com
2. **Consultant Name & Address:** EcoSource, Inc.
104 Boston Square, Georgetown, Kentucky 40324
Telephone No. (502) 868-5200
E Mail Address: ecosource@hotmail.com
3. **Provide a brief description of the proposed activity and stream impact.**
The proposed project is an expansion of an existing refuse storage facility that has been in existence since the 1950's. As proposed, the expansion will permanently impact 47.83 acres of wetlands (which includes 9.97 acres of open water) and 3,395 linear feet of intermittent streams.
4. **Project Location Information:**
County Union; **USGS Quadrangle Name** Uniontown & Morganfield
Nearest Community & Road Intersection: Uniontown, KY 871 and KY 360
Longitude N37.75498° **Latitude** W87.95743° (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:**
Unnamed Tributaries to Lost Creek will be directly impacted by the proposed expansion. However, a new site discharge will occur into Clements Branch of Lost Creek. The existing site discharge that occurs into Lost Creek will be retained.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Refuse Storage Facility = 340 acres (The measurement was taken at the toe of the proposed expansion and not at the toe of any of the existing structures)

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Reach 1 - 400' - permanent impact - intermittent

Reach 2 - 500' - permanent impact - intermittent

Reach 3 - 365' - permanent impact - intermittent

Reach 4 - 690' - permanent impact - intermittent

Reach 5 - 210' - permanent impact - intermittent

Reach 6 - 155' - permanent impact - intermittent

Reach 7 - 890' - permanent impact - intermittent

Reach 8 - 185' - permanent impact - intermittent

8. Provide the acreage of wetlands that would be impacted:

Scrub-shrub = 1.54 acres, Forested = 1.84 acres, Open Water = 9.97 acres

Emergent = 34.48 acres (TOTAL = 47.83 acres)

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From Uniontown, Kentucky and the intersection of KY 360 and KY 130, on KY 360 travel west for approximately 0.4 mile. The project area is located on the east side of KY 360 and north of KY 666.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____

NW 50 X Individual ____ Other ____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 913-9003, KPDES No. KY 0001970


12. The following attachments must be provided:

- A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- A 7.5 minute topographic map delineating the proposed project area.
- A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

A copy of the Mitigation Plan and the Jurisdictional Determinations Document have been provided.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature: 

If signed by applicant's agent, attach power of attorney

, Date: 2/12/10

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601